

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 28TH SEPTEMBER 2006 / 6TH ASWINA 1928

Bail Appl..No. 5784 of 2006

CRIME NO.19/2006 OF EXCISE RANGE, BADIADKA

PETITIONER/ACCUSED

K.SADASIVA SALIYAN, S/O. APPUJI,
R/AT. KAYARPADAVU, NETTANIGE VILLAGE,
KASARAGOD DISTRICT.

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH
EXCISE INSPECTOR KASARGOD,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28/09/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

B.A. 5784/2006

DATED THIS THE 28TH DAY OF SEPTEMBER, 2006

O R D E R

The petitioner is accused in C.R.No.19/2006 of Excise Range, Badiadka, for the offence punishable under Sections 55(a) and 64A of the Abkari Act.

2. It is alleged that on 2.9.2006, the petitioner was found in transporting 900 packets of karnataka made arrack, each packet containing 100 ml, in a Maheendra Jeep. The vehicle was driven by the petitioner. However, seeing the Excise Official, he ran away and escaped.

3. The investigation reveal that the petitioner was already an accused in C.R.No.7/2006 of Badiadka Excise Range. He was in judicial custody and was released on bail. Though there was a direction to report before the Investigating Officer, the petitioner did not comply with the condition, contained in the application, and he was absconding thereafter. This offence had been committed, while he was on bail.

4. In the above facts situation, I direct the petitioner to surrender before the Inspector of Excise Range, Badiadka, who is investigating crime No.19/2006, on 6.10.2006 between 9.30 a.m and 10.00 a.m.

5. The Investigating Officer shall interrogate the petitioner and thereafter, produce him before the Court below, according to the law.

6. On production, the learned Magistrate shall hear both sides and pass appropriate orders, on merit.

The application is disposed of as above.

**J.M.JAMES
JUDGE**

mrCS